

ADAMS, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

VICTOR WANGUL,)	CASE NO. 1:07CV0190
)	
Petitioner,)	JUDGE JOHN R. ADAMS
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
TED STRICKLAND,)	<u>AND ORDER RE: DISMISSING</u>
)	<u>PETITIONER'S APPLICATION FOR</u>
Respondent.)	<u>WRIT OF HABEAS CORPUS</u>
)	[RESOLVING DOC. 5]

Petitioner *pro se* Victor Wangul filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, alleging one ground for relief which challenges the constitutional sufficiency of his conviction and sentence for one count of theft in violation of Ohio Rev. Code § 2913.02.

On March 29, 2007, the case was referred to Magistrate Judge James S. Gallas for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.2(b)(2). *See* Order (Doc. 3). After the respondent filed a Motion to Dismiss Governor Ted Strickland as a Party and/or to Dismiss Case (Doc. 5), the Magistrate Judge submitted a Report and Recommendation (Doc. 6) recommending that respondent's Motion to Dismiss be granted not only for lack of a proper custodial respondent, but also because the federal court has no jurisdiction to entertain Wangul's § 2254 petition.

Fed. R. Civ. P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but neither party has filed any such objections. Therefore, the Court must assume that the parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of

the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the Magistrate Judge is hereby adopted. Respondent's motion that the petition be dismissed is GRANTED.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

June 30, 2008
Date

/s/ John R. Adams
John R. Adams
U.S. District Judge